

Appln. No. 10/782,482
Response to Office Communication of April 12, 2005

Docket No. 97728.00139

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted to:
Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Facsimile No. 703-872-9306

Date: 6/10/2005 | Name: M. VASQUEZ | Signature: *M. Vasquez*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Peilin Guo

Serial No.: 10/782,482

Filing Date: 02/19/2004

For: Compositions Containing Probiotics and
Polysaccharides and Methods of Use

) Examiner: Susan Emily Fernandez
)
) Confirmation No.: 5653
)
) Art Unit: 1651
)
) Docket No.: 97728.00139
)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This paper is submitted in response to the Office Communication dated April 12, 2005 requiring restriction of the probiotic microorganisms recited in claim 3 to a single species. Claim 1 is identified as generic.

In response to the Election/Restriction Requirement set forth in the Office Action dated April 12, 2005, Applicant elects, with traverse, *Lactobacillus rhamnosus* of claim 3. Claims 4-6 and 9 are readable thereon. This election is made without prejudice to Applicant's right to pursue coverage of the non-elected claims if the generic claim is allowed.

The elected claims are believed to be allowable over the prior art of record. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned. If the Examiner has any questions in connection with this paper, or otherwise if it

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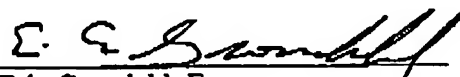
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would facilitate the examination of this application, please call the undersigned at the telephone number below.

Applicant has filed herewith a petition for a one month extension of time under 37 C.F.R. § 1.136(a) for filing a response in the above-referenced Office Communication, extending the time for response from May 12, 2005 to June 12, 2005. No additional fee is believed to be required. Should the Commissioner deem additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 50-1402.

Respectfully submitted,

Date: June 10, 2005

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